

## **APPENDIX I**

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### Duck Road Correspondence

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**LAKE COUNTY**  
106 Fourth Avenue East  
Polson, Montana 59860

**U.S. FISH AND WILDLIFE SERVICE**  
National Bison Range  
132 Bison Range Road  
Moiese, Montana 59824

**MONTANA DEPARTMENT OF  
FISH, WILDLIFE & PARKS**  
Region 1  
490 North Meridian Road  
Kalispell, Montana 59901

**CONFEDERATED SALISH &  
KOOTENAI TRIBES**  
P.O. Box 278  
Pablo, Montana 59855

**August 12, 2005**

**Ms. Janice W. Brown**  
**Division Administrator**  
**Federal Highway Administration, Montana Division**  
**2880 Skyway Drive**  
**Helena, MT 59602**

**Mr. Jim Lynch**  
**Director**  
**Montana Department of Transportation**  
**P.O. Box 201001**  
**Helena, MT 59620**

**Re: US93 Ninepipe/Ronan Segment Environmental Mitigation – Abandonment  
of Duck Road**

Dear Ms. Brown and Mr. Lynch:

The Lake County Board of Commissioners, the U.S. Fish and Wildlife Service – National Bison Range (USFWS), the Montana Department of Fish, Wildlife and Parks (MtFWP), and the Confederated Salish and Kootenai Tribes' (Tribes) Tribal Council requests the consideration of abandoning and restoring Duck Road, as a potential mitigation site for unavoidable impacts to wetlands caused by construction of the US93 Ninepipe/Ronan Improvement Project.

It is our joint understanding that planning for the Ninepipe/Ronan Improvement Project is in the pre-design environmental analysis phase and that you intend to release a draft Supplemental Environmental Impact Statement (SEIS) this year. Two outstanding

issues regarding the Project are mitigation for impacts to wetlands, and mitigation for impacts to wildlife/waterfowl refuges of national, state or local significance. We want you to include the Duck Road concept as one of a suite of potential mitigation projects that will be evaluated during the design and environmental permitting phases of the Project. We want you to include a copy of this letter and a statement in the SEIS acknowledging our joint interest in future utilization of Duck Road as a potential mitigation site.

It is also our joint understanding that further governmental action by Lake County will be required prior to abandoning Duck Road in the event that abandonment is selected by the SEIS decision maker as a component of the preferred alternative. The other government signatories will support Lake County as necessary to comply with the process requirements of Montana Code Annotated §§ 7-14-2601 – 2615 in the event that abandonment is the preferred alternative and we agree on a mutually acceptable conceptual restoration plan.

A synopsis of the Duck Road issue, as we understand it is as follows:

### **Purpose and Need**

Mitigate impacts caused by construction of US93.

### **Geographic Scope**

Abandonment is proposed for a 2.0 mile segment of Duck Road between the easterly intersection with US93 and the westerly intersection with Piedalue Road (boundary between sections 22/23 and 26/27, T. 20N., R. 20W.).

### **Potential Benefits**


- Eliminate one public road intersection at US93 which yields safety improvements (i.e. access-related accidents) and cost savings (i.e. no auxiliary lanes, no signage, no overhead lighting)
- Eliminate 2.0 miles of road that is inconsistent with predominant land use in the area (i.e. publicly-owned wetland and wildlife habitat)
- Restore full ownership of area underneath Duck Road with USFWS and MtFWP upon abandonment of road right of way by Lake County
- Reduce Lake County maintenance burden/cost for rural road that is used sparingly
- Procure road-building and wetlands-reconstruction materials from existing roadbed
- Provide on-site and in-kind wetlands mitigation for the US93 Project as required by the Tribes' Aquatic Lands Conservation Ordinance 87A and by Section 404 of the federal Clean Water Act
- Enhance mitigation required by National Highway Act § 4(f)
- Acquire asphalt road millings from US93 Project for use on improving local County roads within five mile haul distance, including Rocky Butte Road (material + transport + stockpile in windrows)
- Construct two public access trailheads with parking lots, one at Duck Rd./Piedalue Rd. intersection, the other at US93/Duck Rd. intersection


### Known Issues/Costs


- Added cost to US93 project (slightly however, because mitigation is required for ALCO, CWA and 4(f) even if not done at Duck Road)
- Diminished access to recreational users of Ninepipe wetlands complex (mitigated by construction of trailheads with parking lots at two access points)
- Diminished access to one fee parcel (S½Sw¼ Sec. 22) (mitigated by reasonable access being available from Piedalue Road)
- Elimination of 2.0 miles of County Road that directly accesses US93 (mitigated by existing access to NHS system at State Route 212 only 1.0 miles from Piedalue Rd./Duck Rd. intersection) (mitigated by improved driving surface on Rocky Butte Road).

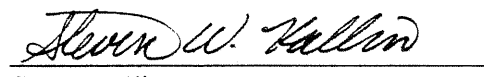
We applaud you for your recent work in redesigning and constructing those portions of the US93 Project covered in the December 2000 MOA. We look forward to similar effort and success for the Ninepipe/Ronan segment and look forward to working with you regarding abandonment and reclamation of Duck Road.

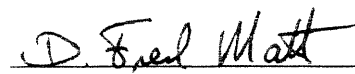
Sincerely,


  
Mike Hutchin  
Chairman – Lake County Commission

  
Paddy Trusler  
Member – Lake County Commission

  
Chuck Whitson  
Member – Lake County Commission

  
Steve Kallin  
Manager – USFWS National Bison Range

  
D. Fred Matt  
Chairman – Tribal Council

  
~~Jim Williams~~  
~~Wildlife Manager – Mtn WFP Region 2~~  
Supervisor  
MFWP R-1  
Jim Williams